

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION**

**IN RE: ANGELIA HYATT, DEBTOR**

**CASE NO. 6:20-bk-72367B  
CHAPTER 7**

**TRUSTEE'S OBJECTION TO EXEMPTIONS**

Comes now the Trustee, Richard L. Cox and for his Objection to Exemptions states:

1. On November 18, 2020 the debtor filed her Schedule C: The Property You Claim as Exempt.
2. The meeting of creditors in this case was concluded on February 12, 2021, which is within thirty (30) days prior to the filing of this Trustee's Objection to Exemptions, therefore the filing of this Trustee's Objection to Exemptions is timely filed.
3. The debtor has claimed the Federal exemptions pursuant to 11 USC Section 522(b)(2).
4. The debtor has scheduled as exempt the following: 401k:401k \$ 30,910.59 value \$ 30,910.59 exemption claimed under 11 U.S.C. Section 522(d)(12).
5. It appears that the 401k the debtor claimed as exempt is an asset she claims an interest in arising from an award to her of the interest in her ex-husband's Union Pacific Agreement Employee 401(k) Retirement Thrift Plan.
6. The 401(k) scheduled by the Debtor does not qualify for exemption under 11 U.S.C. Section 522(d)(12) because it was not the Debtor's retirement account but rather any interest she has in the 401(k) was awarded to her under a property settlement agreement and Divorce Decree

entered by the Circuit Court of Garland County, Arkansas in Angel D. Holt, Plaintiff v. Richard O. Holt, Defendant, Case No. 26DR-18-630-2.

7. Pursuant to *Lerbakken v. Sieloff & Assocs., P.A.* (In re Lerbakken) (B.A.P. 8<sup>th</sup> Cir., 2018) and *Clark v. Rameker*, 123 S. Ct. 2242 (2014) the exemption claimed by the debtor in the 401(k) should be disallowed.

WHEREFORE, Richard L. Cox, Trustee prays that the Court disallow the debtor's claimed exemption in the 401(k) plan in its entirety.

Respectfully submitted,

RICHARD L. COX, Trustee  
By His Attorney  
RICHARD L. COX, P.A.  
364 Long Point Road  
Hot Springs, AR 71913  
(501) 623-1759

By: /s/ Richard L. Cox  
RICHARD L. COX

**CERTIFICATE OF SERVICE**

I, Richard L. Cox, state that I have on this 5th day of March, 2021, forwarded a true and correct copy of the above and foregoing pleading to Mickey Lynn Stevens, the Attorney for the Debtor, and to the U.S. TRUSTEE via ECF.

/s/ Richard L. Cox  
RICHARD L. COX